

## OPS Notice of Proposed Rulemaking

“Hazardous Liquid Pipeline Accident Reporting Revisions”  
49 CFR Part 195

Docket No. RSPA-01-8663

### Summary:

The proposed rulemaking would amend the pipeline safety regulations to lower the reporting threshold for hazardous liquid (H/L) pipeline spills from 50 barrels (2100 gallons) to 5 gallons. In addition, OPS is considering revisions to the H/L accident reporting form to improve its usefulness. Revisions to the H/L accident reporting form are proposed in order to collect more detailed information on causes of pipeline failures and impacts of the failures. The revised reporting requirements would be applicable to all H/L pipeline operators in the US regardless of miles of pipeline owned or operated.

OPS believes the consequence of small spills (between 5 gallons and 5 barrels) does not warrant the reporting to the extent justified for larger spills. Thus, the proposed reporting requirement would be minimized for these smaller spills except where a spill of 5 gallons or more occurs in water. In addition, small spills that occur during normal maintenance activities are also exempt if they are confined to the operator’s property or pipeline right-of-way and they are cleaned up without delay. A spill of 5 or more barrels, or any accident reportable by the already existing criteria specified in section 195.50 will require complete reporting.

The criteria for reporting accidents currently found in 195.50 include:

- a) Explosion or fire not intentionally set by the operator.
- b) Loss of 50 or more barrels of hazardous liquid or carbon dioxide.
- c) Escape to the atmosphere of more than 5 barrels a day of highly volatile liquids.
- d) Death or any person.
- e) Bodily harm to any person resulting in loss of consciousness, the need to carry the person from the scene, need for medical treatment, or disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.
- f) Estimated property damage, including cost of clean-up and recover, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.

**The proposed changes to 49 CFR 195 are as follows:**

Amend Sec. 195.50 to revise paragraph (b) to identify the new lower threshold of 5 gallons, remove paragraph (c) as being no longer necessary, and renumber paragraphs (d) through (f) as necessary.

**Sec. 195.50 Reporting accidents**

\* \* \* \* \*

- (b) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) if the release is:
  - 1) Not one described in Sec. 195.52(a)(4);
  - 2) Attributable to a pipeline maintenance activity;
  - 3) Confined to the company property or pipeline right-of-way;  
and
  - 4) Cleaned up promptly.

(Note: Sec. 195.52(a)(4) relates to spills resulting in pollution of any stream, river, lake, reservoir, or other similar body of water.)

Comments to OPS:

**Interested persons are invited to submit comments by May 21, 2000.**

Comments may be submitted by one of the following methods:

1. By mail to the Docket Management Facility, US Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL-401, Washington, DC 20590-0001;
2. By fax to the Docket Management Facility at 202-493-2251; or
3. Electronically through the Docket Management website at <http://dms.dot.gov/> and by clicking the "ES Submit" button located at the top and bottom of the screen.